IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.12026 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE H.K.RATHOD

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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M/S.PALCO MATALS LIMITED - Petitioner
Versus
SUBHASHBHAI L. JANI - Respondent

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Appearance :
MR KM PATEL WITH MR DHARMESH V SHAH for Petitioner.
MR SI NANAVATI, Sr.Advocate with RV DESAI for Respondent.

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CORAM : HONOURABLE MR.JUSTICE H.K.RATHOD

Date : 24/08/2007

ORAL JUDGMENT

1. Rule. Mr.Deepak G. Shukla, learned advocate, appearing for Mr.R.V.Desai, learned advocate, waives service of notice or rule on behalf of the respondent.

2. Heard Mr.K.M.Patel, learned advocate with learned

advocate Mr.D.V.Shah appearing for the petitioner and learned Senior Advocate Mr.S.I.Nanavati with learned advocate Mr.D.G.Shukla appearing for the respondent.

3. In the present petition, the petitioner has challenged the award passed by the Labour Court, Ahmedabad, in Reference (LCA) No.1003 of 1997 dated 3rd June 2005 and the order passed in Review Application No.8 of 2005 dated 24th April 2006. The Labour Court has partly allowed the Reference granting reinstatement with 40% back wages and with consequential benefits in favour of the respondent, against which review application filed by the petitioner has been rejected.

4. When the matter is taken up for hearing, the respective parties have arrived at consent terms outside the Court. According to the consent terms, a total amount to be paid by the petitioner to the respondent-workman is Rs.2,61,000=00 towards full and final settlement. Against that, now the respondent is having no any right whatsoever against the petitioner in respect of service conditions and the award passed by the Labour Court, Ahmedabad. The petitioner has agreed to give cheque No.708099 dated 21st August 2007 drawn on ICICI Bank Limited, Ahmedabad, of Rs.2,61,000=00 being full and final settlement amount referred to in the consent terms.

5. In view of the aforesaid consent terms arrived at between the parties, the award in question, which is challenged in the present petition, is accordingly modified and the parties are directed to abide

by the consent terms, which is taken on record. The aforesaid amount of Rs.2,61,000=00 [Rupees Two Lac Sixty One Thousand Only] is paid to the respondent-workman by the petitioner against his superannuation benefits as well as in lieu of reinstatement and back wages. According to the terms and conditions of the settlement terms, the respondent shall have to withdraw pending recovery proceedings, which is filed by him against the present petitioner. Rule is made absolute accordingly.

[H.K.RATHOD, J.]

Rajendra